

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

R.L. INVESTMENT LIMITED  
PARTNERS,  
Plaintiff-Appellant,

and

WANXUAN ZOU,  
Plaintiff,

v.

IMMIGRATION AND NATURALIZATION  
SERVICE,  
Defendant-Appellee.

Appeal from the United States District Court  
for the District of Hawaii  
Susan Oki Mollway, District Judge, Presiding

Argued and Submitted  
November 6, 2001--San Francisco, California

Filed November 20, 2001

Before: Ferdinand F. Fernandez, Pamela Ann Rymer, and  
Kim McLane Wardlaw, Circuit Judges.

Opinion by Judge Rymer

No. 00-15627

D.C. No.  
CV-98-00943-SM

OPINION

## COUNSEL

Ira J. Kurzban, Kurzban Kurzban Weinger & Tetzeli, P.A., Miami, Florida, and Marc Van Der Hout, Van Der Hout & Brigagliano, San Francisco, California, for the plaintiff-appellant.

John C. Cunningham, Senior Litigation Counsel, Department of Justice, Office of Immigration Litigation, Civil Division, Washington, D.C., for the defendant-appellee.

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## OPINION

RYMER, Circuit Judge:

We agree with and adopt the well reasoned opinion of the district court. R.L. Inv. Ltd. Partners v. INS, 86 F. Supp. 2d 1014 (D. Haw. 2000).

R.L. Investment Limited Partners argues for the first time on appeal that the INS's new rules were impermissibly retroactive, that the Administrative Appeals Office's (AAO) addition of new grounds for affirming the regional director's denial of Wanxuan Zou's petition violates the due process clause, and that the AAO is not an independent adjudicatory body entitled to render rules in an adjudicatory proceeding. However, we decline to consider these arguments because they were not raised in the district court. See Bolker v. Comm'r of Internal Revenue, 760 F.2d 1039, 1042 (9th Cir. 1985).

AFFIRMED.